

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:23-CR-0470 JB

COURTNEY FRANK,

Defendant.

**DEFENDANT’S SENTENCING MEMORANDUM**

COMES NOW Defendant Courtney Frank, by and through Counsel, Assistant Federal Public Defender James C. Loonam, and, hereby files this sentencing memorandum for the Court's review and consideration to aid the Court in finding a sentence that is a fair, just and reasonable sentence in accordance with 18 U.S.C. §3553(a) and *United States v. Booker*, 543 U.S. 220, 125 S.Ct. 738 (2005).

Courtney Frank has taken responsibility for drinking alcohol and driving under the influence causing the collision on September 28, 2022, that took the life of one victim and seriously injured another. Courtney took responsibility because she knows she was responsible for that accident. Yet the seeds of this tragedy were sown back when Courtney was just seven years old, and she was victimized by her mother’s boyfriend. Courtney was the victim of a continuing pattern of sexual

assault from age seven until age eleven. After suffering years of abuse Courtney received some counseling at the age of 12. Courtney is now just 20 years old; she was just 18 years old when this accident occurred. As part of her pretrial supervision Courtney undertook a psychological assessment. She was diagnosed with Post Traumatic Stress Disorder, Major Depressive Disorder and Alcohol Abuse Disorder. The time between the age of twelve and her arrest in this matter Courtney used alcohol to try and numb the psychic pain the years of abuse inflicted. Some studies have found that female victims of childhood sexual abuse develop hazardous patterns of alcohol abuse. *See: Lil Tonmyr, Margot Shields, Childhood sexual abuse and substance abuse: A gender paradox?*, CHILD ABUSE & NEGLECT, Volume 63, 2017, Pages 284-294.

Since the accident giving rise to this matter Courtney has worked to change her life. She has maintained her sobriety. Courtney has engaged in both group and individual counseling. She has begun to understand how her being a victim in her childhood years led her to abuse alcohol and led directly to this accident. Courtney has maintained full time employment as well since her release on conditions in this case.

Courtney Frank was just 18 years old when she drank the alcohol provided to her by a friend who was over the age of 21. Virgil Hoskie, the person who provided Courtney with the alcohol has done this before. In October 2019, Mr. Hoskie was

stopped driving a vehicle with several teenagers who were drinking alcohol Mr. Hoskie provided. In that matter Mr. Hoskie was charged with Contributing to the Delinquency of a Minor for providing the teens with alcohol. *See*: New Mexico case M-47-FR-2019-00806. That case was eventually dismissed by the State of New Mexico. The State of New Mexico has filed a criminal complaint against Mr. Hoskie based upon him providing Courtney and the other underage passengers alcohol on the date of this accident giving rise to this case. *See*: New Mexico case M-47-FR-2022-000589. After purchasing alcohol for Courtney and others, Mr. Hoskie then allowed Courtney to drive his vehicle, resulting in the accident giving rise to this case.

Courtney Frank has never been in trouble with law enforcement before this incident. Had the trauma Courtney experienced being victimized for years by an older man been better understood, perhaps greater efforts to provide her support would have been made. Studies support the finding that being the victim of childhood sexual abuse leads to lower self-esteem and greater likelihood of delinquent behavior.<sup>1</sup> Studies have found that victims of childhood sexual abuse show altered biological functioning that impacts cognition and social relationships.<sup>2</sup>

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<sup>1</sup> Gauthier-Duchesne, A., Hébert, M., & Blais, M. (2022). *Child Sexual Abuse, Self-esteem, and Delinquent Behaviors During Adolescence: The Moderating Role of Gender*. *Journal of Interpersonal Violence*, 37(15-16), NP12725-NP12744. <https://doi.org/10.1177/08862605211001466>

<sup>2</sup> Lo Iacono L, Trentini C, Carola V. *Psychobiological Consequences of Childhood Sexual Abuse: Current Knowledge and Clinical Implications*. *Front Neurosci*. 2021 Dec 2;15:771511. doi: 10.3389/fnins.2021.771511. PMID: 34924938; PMCID: PMC8678607. ("Childhood sexual abuse alters the normal developmental trajectories that are necessary for healthy socioemotional function, increasing the likelihood of a child experiencing sociorelational

Had Mr. Hoskie been fully prosecuted for driving around in a car with teenagers providing them alcohol in 2019, he might not have done the very same thing in 2022. Unfortunately, neither of those things occurred.

Compounding the tragic aspect of these missed opportunities is how Courtney has responded to the mental health services provided while on pretrial supervision. Courtney has very actively engaged in both group and individual treatment. She has completely given up alcohol and worked hard on herself to fully understand why she behaved as she did in this matter. Early interventions could have addressed Courtney's trauma and possibly helped her avoid alcohol abuse as a palliative for her psychic pain. "Early targeted interventions for both the child who experienced CSA [childhood sexual abuse] and their nonoffending caregivers are essential for healing and recovery. Effective interventions which are tailored to the youth's developmental level can help mitigate or even prevent some of the serious and enduring negative effects of CSA, including symptoms of posttraumatic stress disorder (PTSD)."<sup>3</sup>

It appears from Courtney's approach to treatment that had appropriate levels of treatment been available to her when she was victimized as a child her current mental health condition may be different. Courtney was diagnosed with Post

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difficulties, cognitive dysfunction, depression, anxiety, internalization and externalization of problems, sexualized behaviors, and post-traumatic symptoms ." (internal citations omitted)

<sup>3</sup> Shuman, T. (2022). *Intervention Strategies for Promoting Recovery and Healing from Child Sexual Abuse*. IntechOpen. doi: 10.5772/intechopen.97106

Traumatic Stress Disorder, Major Depressive Disorder and Severe Alcohol use Disorder in May 2023. PSR ¶47. These conditions are almost certainly a result of Courtney's being victimized as a child.<sup>4</sup> Studies have repeatedly shown that long term cognitive behavioral therapy helps reduce PTSD and depression in female victims of childhood sexual abuse. *Id.* It is unclear what the nature of the mental health treatment Courtney was provided at age twelve after she disclosed that she had been being victimized for years. What is known is that in May of 2023 Courtney was exhibiting the type of mental health issues consistent with a victim of childhood sexual assault who had not been provided treatment. Courtney's experience as a victim leading to her development of a Severe Alcohol Abuse Disorder led directly to her actions giving rise to this case. Courtney being victimized as a child played a causal role in the matter before this Court.

In light of the facts and circumstances of this matter, and the characteristics of Courtney Frank, who's being victimized in part caused the crime here, and who has shown sincere efforts to change her life since the accident, the Court is asked to consider a sentence of twenty-four (24) months of prison as the appropriate

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<sup>4</sup> Chen LP, Murad MH, Paras ML, et al. *Sexual abuse and lifetime diagnosis of psychiatric disorders: systematic review and meta-analysis*. *Mayo Clin Proc*. 2010;85(7):618-629. doi:10.4065/mcp.2009.0583 ("This systematic review and meta-analysis demonstrates that sexual abuse is associated with multiple psychiatric disorders, including lifetime diagnosis of anxiety disorders, depression, eating disorders, PTSD, sleep disorders, and attempted suicide.")

disposition in this case. Such a sentence is long enough but not greater than necessary to achieve the goals of sentencing in this matter.

Wherefore this Court is respectfully requested to consider a sentence of twenty-four (24) months of incarceration as an appropriate sentence in this matter.

Respectfully submitted,

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/s/ filed electronically on 12/4/23  
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